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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,624	10/14/2003	William Gunby	22137-00003-US1	2623

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EXAMINER
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PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/605,624

Applicant(s)

GUNBY, WILLIAM

Examiner

Hau V Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Abstract***

1. The abstract of the disclosure is objected to because the abstract exceed 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: Line 14, the phrase "the the" should be changed to – the --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "a drive shaft coupled to an output shaft of the transmission and coupled to the drive shaft" is not clear, whether "a drive shaft" is the same with "the drive shaft"

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Weismann et al. (5,908,366).**

Weismann et al. in figures 1-8, disclose a propulsion drive arrangement for a vehicle comprising an engine (10), a transfer case (36) having a input shaft (48) coupled to an output shaft of the engine at one end of the engine.

Weismann et al. also disclose a transmission (68) having an input shaft (70) coupled to an output shaft (52) of the transfer case. Weismann et al. also disclose a drive shaft (128) coupled to an output shaft (72) of the transmission through the universal joint (82). Weismann et al. also disclose means for propelling the vehicle, wherein the engine is located at a position which is laterally offset from and adjacent to a side of the transmission (as shown in figure 8) so as to be essentially parallel with the transmission along respective longitudinal axes thereof and wherein the input shaft and output shaft of the transfer case are both located on a same side of the transfer case corresponding to the one end of the engine.

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Regarding claim 2, Weismann et al. disclose the means for propelling the vehicle including a set of wheels attached to an axle coupled to the transmission drive shaft through a differential (134).

Regarding claim 3, Weismann et al. disclose the means for propelling the vehicle including one or more propellers coupled to the transmission drive shaft through one or more associated propeller shafts.

Regarding claim 4, Weismann et al. disclose the engine and transmission, which are arranged behind the axle and differential in a rear-mounted engine configuration (as shown in figure 1).

The propulsion drive arrangement of claim

Regarding claim 5, Weismann et al. disclose a moment arm of the engine and transmission arrangement, which is less than a distance between the differential and the transfer case.

Regarding claim 6, Weismann et al. disclose the engine and transmission, which are arranged in front of the axle and differential in a mid-mounted engine configuration.

Regarding claim 7, Weismann et al. disclose a method of providing propulsion for a vehicle comprising steps of arranging an engine and a transmission to be side-by-side so that respective output shafts are essentially parallel and displaced from each other, providing a torque output on an engine output shaft, reversing a direction of the torque output from the engine output shaft, coupling the reversed torque output to a transmission input and applying an output of the transmission to one or more drive elements of the vehicle.

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Regarding claim 8, Weismann et al. disclose the applying step including applying the transmission output to a set of wheels.

Regarding claim 9, Weismann et al. disclose the applying step including applying the transmission output to a propeller.

Regarding claim 10, Weismann et al. disclose the step of ensuring that a moment arm of the engine and transmission arrangement, which is within a respective length of both the engine and the transmission.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirabayashi et al. disclose a power plant structure for motor vehicle, Sado discloses a power transmission apparatus, Kameda et al. disclose a powertrain for an automotive vehicle and Montoneri disclose a motor vehicle with boom lift and improved power transfer device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Hau Phan*  
*8/11/04*

Hau V Phan  
Examiner  
Art Unit 3618

**HAU PHAN**  
**PATENT EXAMINER**